

REMARKS

I. Introduction

The Current Action:

Withdraws claims 46-52 from consideration;
Rejects claims 33-38 and 40-45 under 35 § U.S.C. 102(e); and
Rejects claim 39 under 35 U.S.C. § 103(a).

This Response:

Notes the withdrawal of claims 46-52;
Amends claims 33-35; and
Adds claims 53-58.

Claim 34 has been amended to correct a typographical error. Claims 33 and 35 have been amended to more clearly describe the claimed invention, and support for these amendments can be found on page 7 lines 6-20. No new matter has been added. The Applicants respectfully submit that the arguments contained herein fully traverse all outstanding rejections.

II. The Restriction Requirement

The Examiner has required an election under 35 U.S.C. § 121 between claims 33-45 (referred to as Group 1) and claims 46-52 (referred to as Group 2). The Current Action has withdrawn claims 46-52 from consideration, and asked the Applicants to affirm the election of Group 1 (claims 33-45). The Applicants hereby affirm the election of Group 1 (claims 33-45).

III. The Rejection Under 35 U.S.C. § 102(e)

The Current Action has rejected claims 33-38 and 40-45 as anticipated by Slater et al., U.S. Patent No. 6,483,570 (hereinafter "*Slater*"). However, in order to be anticipatory M.P.E.P. § 2131 requires the reference to teach every limitation of a claim rejected, and the Applicants respectfully submit that *Slater* does not teach all of the limitations of claim 33. Claims 33, recites "providing information associated with at least one image of the plurality

of images, at the time said at least one image is captured.” *Slater* is a method and system utilized in the processing of images long after they are captured. Therefore, *Slater* does not teach the above limitation of claim 33, and is, therefore, not anticipatory. The Applicants respectfully ask the Examiner to withdraw the rejection of claim 33.

Claims 34-38 and 40-45 depend either directly or indirectly from claim 33, and thus inherit all of the limitations of claim 33. While claims 34-38 and 40-45 recite further limitations that make them patentable in their own right, claims 34-38 and 40-45 are at least patentable for depending from a patentable base claim. Therefore, the Applicants respectfully ask the Examiner to withdraw the rejections of claims 34-38 and 40-45 as well.

IV. Rejections under 35 U.S.C. § 103(a)

Claim 39 is rejected as obvious in light of *Slater* and in further light of Reed, U.S. Patent No. 6,426,801 (hereinafter “*Reed*”). However, in order to establish a prima facie case for obviousness, M.P.E.P. § 2143 requires, among other things, that the cited combination of references teach or suggest all of the limitations of the rejected claims. Without conceding that the combination of *Reed* and *Slater* meet any of the other requirements of M.P.E.P. § 2143, the Applicants respectfully submit that the combination of *Slater* and *Reed* does not teach or suggest all of the limitations of claim 39. Claim 39 depends from claim 33, and thus inherits all of the limitations of claim 33, including “providing information associated with at least one image of the plurality of images, at the time said at least one image is captured.” As argued above, *Slater* does not teach or suggest this limitation. Further, *Reed* does not teach or suggest this limitation either. Therefore, the combination of *Slater* and *Reed* does not make a prima facie case, and the Applicants respectfully ask the Examiner to withdraw the rejection of claim 39.

V. New Claims

The Applicants submit new claims 53-58, and respectfully submit that these claims contain limitations not taught or suggested in the art of record. The Applicants believe these claims comply with the Restriction Requirement as they belong to Group 1. No new matter has been added.

VI. Conclusion

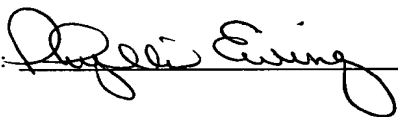
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe a fee of \$194.00 is due with this response. However, if this fee is incorrect, please charge Deposit Account No. 08-2025, under Order No. 10003824-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482737674US, in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: August 11, 2004

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Signature: 

Respectfully submitted,

By 

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Date: August 11, 2004

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